Draft to Clerk: Approved: Clerk:

MINUTES OF THE REGULAR MEETING BOARD OF ZONING APPEALS May 11, 2006 7:30 P.M. CITY COUNCIL CHAMBERS, 10TH FLOOR CITY HALL

I. ROLL CALL

The meeting was called to order by Chairman Burgess at 7:30 p.m. Chairman Burgess read the BZA introduction. Roll call was taken.

Present:

B. Burgess G. Hilts E. Horne F. Lain B. McGrain

A. Frederick M. Mayberry

Absent: J. Siebold G. Swix

Staff: S. Stachowiak

A. A quorum of at least five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

B. McGrain moved, seconded by A. Frederick to approve the agenda with the addition of "Excused Absences" under new business. On a voice vote, the motion carried 7-0.

III. HEARINGS/ACTION

A. <u>BZA-3872.06, 1220 Whyte Street</u>

This is a variance request by Jason Brown to construct a 14' x 29' addition on the south side of the existing house at 1220 Whyte Street that would have a 2.5 foot side yard setback. Section 1248.08 of the Zoning Ordinance requires a minimum side yard setback of 6 feet. A variance of 3.5 feet to the side yard setback requirement is therefore, being requested. Staff recommended approval of the variance request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Mr. Burgess asked if anyone wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. McGrain asked if the addition was going to be one room.

Ms. Stachowiak stated that it will be one room, to the best of her knowledge. She said that the applicant's are expecting their first child and need more room in the house. Ms.

Stachowiak said that the south side of the house is the only possible location on the site for an addition.

Mr. Frederick stated that there does not seem to be any reason to deny the request. He said that there are other homes like this in the neighborhood and the practical difficulty is clear.

Ms. Horne stated that she could support the request because of the lot size.

Mr. Lain stated that the addition should match the rest of the house.

A. Frederick moved to approve BZA-3872.06, a variance of 3.5 feet to the side yard setback requirement to permit the construction of an addition to the south side of the existing house at 1220 Whyte Street, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application, with the condition that the addition is consistent with the existing house in design, scale and materials. Seconded by F. Lain.

VOTE	YEA	NAY
Lain	х	
McGrain	Х	
Hilts	Х	
Mayberry	Х	
Horne	Х	
Frederick	х	
Burgess	Х	

Motion carried, 7-0, BZA-3872.06, was approved.

VI. OLD BUSINESS

- B. Rules of Procedure No action
- B. BZA-3817.04, 1014 S. Pennsylvania Avenue No action
- VII. PUBLIC COMMENT None
- VIII. APPROVAL OF MINUTES
 - A. Minutes of Regular Meeting held April 13, 2006

F. Lain moved, seconded by B. McGrain to approve the minutes of April 13, 2006, with the following correction:

Page 2, motion states "seconded by M. Mayberry". Should state "G. Swix".

On a voice vote, the motion carried unanimously, 7-0.

IX. <u>NEW BUSINESS</u>

A. Excused Absences

- E. Horne moved, seconded by A. Frederick to grant an excused absent to G. Swix for the May 11, 2006 meeting. On a voice vote, the motion carried unanimously, 7-0.
- B. McGrain moved, seconded by F. Lain to grant an excused absent to Marcel Mayberry for the April 13, 2006 meeting. On a voice vote, the motion carried unanimously, 7-0.
- **B.** Mr. McGrain stated that the architecture condition should be added to all variances approvals for building additions.
 - Mr. Frederick stated that he will be working on architectural standards for all buildings as part of a Planning Board project.

X. ADJOURNMENT AT 7:43 p.m.

Respectfully submitted,		
Susan Stachowiak, Zoning Administrator		